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EXAMINER

CHUONG, TRUC T

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/739,132

Applicant(s)

CRAWFORD ET AL.

Examiner

Truc T. Chuong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-40 and 42-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 and 42-70 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This communication is responsive to Amendment filed 08/02/05.

Claims 1-40 and 42-70 are pending in this application. Claims 1, 11, 13, 14, 29 and 39 are independent claims. In Amendment, claim 67 is amended. This action is made final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

#### ***Claim Rejections - 35 USC § 102***

1. Claims 1-26, 28-40, and 42-70 are rejected under 35 U.S.C. 102(e) as being anticipated by Berger et al. (U.S. Patent No. 6,414,693 B1).

As to claims 1 and 14, Berger teaches a component Customization and Personalization System (CCPS) comprising:

a computer site comprising an interface, said

computer site further comprising a set of predetermined images and a graphics

server providing graphics tools for enabling a modification of said predetermined

designs and images, and for further enabling the creation of new images

(graphical images stored in the database can be customized/designed by using the

editing graphic design software such as PhotoShop, e.g., col. 2 lines 1-12, col. 6

lines 57-65, and figs. 4, 5, & 8);

a user station coupled to said computer site (from the user computer connects to the distributor via the Internet when submitting/customizing the order/image, fig. 1), said user station comprising:

(a) a user interface for enabling a user to access said graphics server for defining a desired design to be placed on a consumer product (e.g., col. 2 lines 24-28, col. 3 lines 12-30, and figs. 4-5); and

(b) a manufacturing subsystem (the appropriate printer will print the desired image on the 3-D physical object, e.g., col. 7 lines 57-67) for receiving data descriptive of said desired image, and for manufacturing, at said user station, at least one three-dimensional component of said consumer product to have said desired image placed on it as a decorative element (e.g., col. 7 lines 10-67, and figs. 4, 5, 7 & 9). (The three dimensional article which is being imprinted with an graphical or designed image is immaterial, the reference to Berger et al. clearly shows imprinting user selected images on any of a number of three dimensional articles. It would have been inherent that any three-dimensional item could have had designed graphics or designs imprinted upon them. Printing company logos or trade names on components such as T-shirt, hats, luggage, housing devices, calculator, telephones has been used for advertising for many years).

As to claims 2 and 15, Berger teaches the CCPS of claim 1, wherein said central site further comprises an electronic commerce engine for conducting a financial transaction with the user in order to make an accounting for the manufactured at least one three-dimensional component (financial arrangements, e.g., col. 8 lines 5-20).

As to claims 3 and 17, Berger teaches wherein said central site further comprises means for enabling the user to include the desired image into said set of predetermined images (e.g., col. 2 lines 1-12, col. 6 lines 57-65, and figs. 4, 5, & 8).

As to claim 4, Berger teaches the CCPS of claim 1, wherein said user interface enables the user to access said graphics server for the purpose of selecting one of said predetermined images as a desired image (e.g., figs. 4, 5, & 8).

As to claims 5 and 19, Berger teaches the CCPS of claim 1, wherein said user interface enables the user to access said graphics server for the purpose of creating said desired design by modifying at least one of said predetermined designs and images (graphical images stored in the database can be customized/designed by using the editing graphic design software such as PhotoShop, e.g., col. 2 lines 1-12, col. 6 lines 57-65, and figs. 4, 5, & 8).

As to claims 6-9, 16, 18, 20, 21-23, and 35-37, Berger teaches the CCPS of claim 1, wherein said user interface enables the user to access said graphics server for the purpose of creating said desired design by inputting the new design or a new image (the user uses PhotoShop editing images, e.g., col. 2 lines 1-12, col. 6 lines 57-65, and figs. 4, 5, & 8).

As to claims 10 and 24, Berger teaches the CCPS of claim 1, wherein said at least one user station comprises a point-of-sale (POS) terminal (financial arrangements, e.g., col. 8 lines 5-20).

As to claim 11, this is a combination of claims 1 and 2. Note the rejections of claims 1 and 2 above.

As to claim 12, Berger teaches the electronic commerce engine (e.g., col. 8 lines 30-45), and Berger shows the financial transaction and billing information can be transferred online

between the distributor and the user (e.g., col. 5 lines 18-21, and col. 8 lines 10-19). It would have been inherent that financial transaction completed online (electronically) would have included accepting a payment from the user in a form selected from the group consisting of a credit card, a debit card, a gift card, and a redemption of loyalty point.

As to claim 13, Berger teaches Component Customization and Personalization System (CCPS), comprising:

a central site comprising an interface to the Internet, said central site further comprising a set of predetermined images and an electronic commerce engine for conducting a financial transaction with the user;

a user station coupled to said central site through the Internet, said user station comprising:

(a) a user interface for enabling a user to access a graphics program for defining a designed image to decorate at least one component of a mobile station, the graphics program implementing graphics tools for enabling a modification of said predetermined images, and for further enabling the creation of new images (graphical images stored in the database can be customized/designed by using the editing graphic design software such as PhotoShop, e.g., col. 2 lines 1-12, col. 6 lines 57-65, and figs. 4, 5, & 8); and

(b) a manufacturing subsystem for receiving data descriptive of said desired image, and for manufacturing, at said user station, at least one three-dimensional component of said mobile station (while applicant has defined, on page 6 of the specification, a mobile station “may be a personal computer, a wireless telephone, a cellular telephone, a pager, or any type of communication device or other type of device

having communication capabilities.” The three dimensional article which is being imprinted with a graphical or designed image is immaterial, the reference to Berger et al. clearly shows imprinting user selected images on any of a number of three dimensional articles. It would have been inherent that any three-dimensional item could have had designed graphics or designs imprinted upon them. Printing company logos or trade names on components such as T-shirt, hats, luggage, housing devices, calculator, telephones has been used for advertising for many years.) having said desired image placed on it as a decorative element (e.g., col. 7 lines 10-67, and figs. 4, 5, 7 & 9).

As to claims 26, and 50-54, Berger teaches the CCPS user station of claim 25, wherein said at least one component is a cover component of said mobile station (note the rejection of claim 13 above regarding “component” and “mobile station”).

As to claim 28, Berger teaches the CCPS user station of claim 25, wherein said user interface further enables a user to at least one of select, modify or create a graphical image for use with said mobile station (the user uses PhotoShop editing images, e.g., col. 2 lines 1-12, col. 6 lines 57-65, and figs. 4, 5, & 8).

As to claims 46-48, they are method claims of system claims 21-23. Note the rejections of claims 21-23 above respectively.

As to claims 29-34, and 38, they are method claims of system claims 1-6, and 10. Note the rejections of claims 1-6, and 10 above respectively.

As to claims 39-40, they are method claims of system claims 14-15. Note the rejections of claims 14-15 above respectively.

As to claim 42, they are method claims of the system claim 17. Note the rejection of claim 17 above.

As to claims 43-45, and 49, they are method claims of system claims 18-20, and 24. Note the rejections of claims 18-20, and 24 above respectively.

As to claims 55, 57, 59, 61, 63, and 65, Berger teaches the CCPS of claim 1 wherein, in response to the user defining as the desired image one of a modification of a predetermined image and a new image, at least one of the user station and the central site checking said desired image for content owned by another (based on the user profile the system can checked for images belong to who, e.g., col. 4 lines 6-40).

As to claims 56, 58, 60, 62, 64, and 66, Berger teaches the CCPS of claim 55, wherein checking said desired image for content owned by another comprises providing a statement for user certification at the user interface (Logos, Trade names, e.g., col. 2 lines 25-28).

As to claims 67-70, Berger teaches the CCPS of claim 1, wherein the manufacturing subsystem is further for manufacturing, at said user station, the at least one three-dimensional component of said consumer product to have a user-specified functional element (see claim 1 for explanation of the housing equipment, calculator, etc.).

### ***Claim Rejections - 35 USC § 103***

2. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berger et al. (U.S. Patent No. 6,414,693 B1) view of Harris (U.S. Patent No. 6,314,306 B1).

As to claim 27, Berger does not teach that the user interface further enables a user to select, modify or create an audible signal for user with the mobile station. However, Harris



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clearly shows that ring commands can be sent to a mobile device via a delivery service to change ring tones of the mobile device (e.g., col. 1 lines 46-col. 2 line 5, and figs. 1-2). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have ring tones of the mobile device remotely configured by the user to provide a combination of graphics and audio advertising.

### *Response to Arguments*

3. Applicant's arguments filed in an Amendment have been fully considered but they are not persuasive.

Applicants argued and Examiner disagrees for the following reasons:

*a. Berger fails to teach that manufacturing, at a user station, at least three-dimensional component of the consumer product.*

Firstly, claim language clearly stated, "a central site comprising an interface to a communications network", and later in the claim "a user station coupled to the central site through the communications network (see claim 1); therefore, the user station with its user interface and the Manufacturing Subsystem and other subsystems communicating over the communications network mean that the user station 18 (see specification pages 14-17 and fig. 1) is connected with the scanner 18D, Digital Camera, Manufacturing Subsystem, and Graphics Subsystem (fig. 1). Based on these evidences, the user station with its user interface and the Manufacturing Subsystem do not clearly describe that they are assigned at the user station as single system as claimed by the Applicant.

Secondly, Berger clearly teaches that a customer can design a physical object (this case is a bag) by modifying, inserting, or dragging/dropping any available images/objects from the production department, throughout the Internet, or his/her own system, and Berger also teaches that the customer can submit to the supplier for production of an actual physical sample (Abstract, and col. 2 lines 20-28). When the customization of the bag is completed, the customer will submit the desired design to the production department (Manufacture System) to produce the bag, in this case, the desired image/logo/name, etc. will be printed on the bag (col. 2 lines 18-28, and col. 7 line 67-col. 8 line 20).

Based on those above evidences, Berger provides the manufacturing subsystem (or production department) to produce the desired products submitted by the customer as claimed by the Applicant.

*b. The combination of Berger and Harris.*

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Berger does not teach that the user interface further enables a user to select, modify or create an audible signal for user with the mobile station.

However, Harris clearly shows that ring commands can be sent to a mobile device via a delivery service to change ring tones of the mobile device (e.g., col. 1 lines 46-col. 2 line 5, and figs. 1-2). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have ring tones of the mobile device remotely configured by the user to provide a combination of graphics and audio advertising.

### *Conclusion*

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T. Chuong whose telephone number is 571-272-4134. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Truc T. Chuong

10/16/05

  
BA HUYNH  
PRIMARY EXAMINER